

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:24-cv-00860**

JAMES BUNYAN HINSON,

Plaintiff,

vs.

QUIKTRIP STORE #1028, QUIKTRIP  
CORPORATION,

Defendant.

**ANSWER**

**(JURY DEMANDED)**

Comes now, Defendant QUIKTRIP (QT), and answers the allegations in Plaintiff's Complaint by paragraph number as follows:

1. Admitted.
2. Admitted.
3. QT admits Plaintiff was a customer at its store on September 25, 2021 at approximately noon. QT denies the remainder of the allegations in paragraph 3 for lack of information.
4. QT denies paragraph 4 and all subparts.
5. QT denies paragraph 5.

**Affirmative Defenses**

**Contributory negligence**

Plaintiff's claim is barred under the doctrine of contributory negligence. The substance in the parking lot at issue was plainly visible. Plaintiff failed to exercise reasonable caution for his own safety and is therefore not entitled to recover from QT.

### **Open and Obvious Condition**

Plaintiff's claim is barred under the open and obvious doctrine. The substance in the parking was an open and obvious condition. QT had no legal duty to warn Plaintiff of the condition.

### **PRAYER FOR RELIEF**

QT prays for the following relief:

1. A trial by jury;
2. That Plaintiff take nothing from Defendant;
3. For taxable court costs as allowed by law;
4. Any other relief to which the Court may determine QT is entitled.

This the 16<sup>th</sup> day of October, 2024.

/s/Brett Dressler

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **ANSWER** has this day been served as noted below, using the electronic filing system, which will send a Notice of Filing to all parties and counsel of record:

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*Attorney for Plaintiff*

This the 16<sup>th</sup> day of October, 2024.

/s/Brett Dressler